

282821

Duke, Daphne

From: Thad Culley <thad@votesolar.org>
Sent: Thursday, March 7, 2019 6:13 PM
To: Heather Smith
Cc: Dong, Randall; Pittman, Jenny; PSC_Legal Department; PSC_Technical Advisory; Hammonds, Lessie; Nelson, Jeff; Hamm, Steven; Frank R. Ellerbe III; Alex Shissias; bdurant@sowelldurant.com; charris@spilmanlaw.com; Derrick Williamson; Burnett, John T; molly.jagannathan@troutman.com; Richard Whitt; Bob Guild; Scott Elliott; Stephanie Eaton; sferguson@selcsc.org; Samuel Wellborn; bridget.lee@sierraclub.org; Toni Hawkins; Robinson, Camal O.; hasala@ieee.org; Duke, Daphne
Subject: Re: Scheduling of Testimony and Other Logistical Issues in Docket No. 2018-319-E

Thank you for making this suggestion, Heather. I think this approach was very helpful to parties in the last DEC/DEP GRCs in North Carolina and gave us good visibility into the relative progress of the case. I think I can provide a reasonable estimate of cross times that I have for Company witnesses after rebuttal is filed. I strongly support your proposal. Let me know if I can in any way help coordinate.

Best regards,

Thad

On Thu, Mar 7, 2019 at 5:44 PM Smith, Heather Shirley <Heather.Smith@duke-energy.com> wrote:

Thank you. If it is helpful to the Commission and to parties, after the DEC rebuttal is filed, Duke is willing to draft a table including witness order (and special sets) and take estimates of cross times and socialize among the parties for input. Then, hopefully we can provide back a consensus plan to the Commission by noon on Monday, March 18. That way, if it becomes clear to the parties that certain witnesses will not be cross examined, we can perhaps propose witnesses to be excused from appearing. We understand that cross times might be difficult to ascertain until we file rebuttal so hopefully that timing works. This plan, if all are amenable, will also enable us to have witnesses "on bench" to fill any uncommitted time. We think this might aid in ensuring the most efficient process, and the type of table we would provide has been helpful in other jurisdictions where we've had lengthy hearings.

Would that be helpful?

Heather

RECEIVED
MAR 08 2019
 PSC SC
 MAIL / DMS

From: Dong, Randall [mailto:Randall.Dong@psc.sc.gov]

Sent: Thursday, March 7, 2019 4:56 PM

To: Pittman, Jenny <jpittman@ors.sc.gov>

Cc: PSC_Legal Department <PSC_LegalDepartment@bcbad.state.sc.us>; PSC_Technical Advisory <psctechnicaladvisory@psc.sc.gov>; Hammonds, Lessie <lhammonds@ors.sc.gov>; Nelson, Jeff <jnelson@ors.sc.gov>; Hamm, Steven <shamm@ors.sc.gov>; Frank R. Ellerbe III <fellerbe@robinsongray.com>; Alex Shissias <alex@shissiaslawfirm.com>; bdurant@sowellldurant.com; charris@spilmanlaw.com; Derrick Williamson <dwilliamson@spilmanlaw.com>; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; Burnett, John T <John.Burnett@duke-energy.com>; molly.iagannathan@troutman.com; Richard Whitt <rlwhitt@austinrogerspa.com>; Bob Guild <bguild@mindspring.com>; Scott Elliott <selliott@elliottlaw.us>; Stephanie Eaton <sroberts@spilmanlaw.com>; sferguson@selcsc.org; thad@votesolar.org; Samuel Wellborn <swellborn@robinsongray.com>; bridget.lee@sierraclub.org; Toni Hawkins <thawkins@robinsongray.com>; Robinson, Camal O. <Camal.Robinson@duke-energy.com>; hasala@ieee.org; Duke, Daphne <Daphne.Duke@psc.sc.gov>

Subject: RE: Scheduling of Testimony and Other Logistical Issues in Docket No. 2018-319-E

Dear Counsel:

I have been trying to balance the parties' desire to receive dates certain for their traveling witnesses and the Commission's need to pack as much into each day as possible and to avoid creating a situation where we have unfilled time on some days because of having scheduled certain witnesses for dates certain. So far, six parties (almost all parties who prefiled testimony) have requested dates certain for one or more witnesses. Because we simply don't know how long each witness will testify, it is difficult for me to determine dates certain without opening up the possibility that one or more parties may have their presentations interrupted to accommodate date certain witnesses presented by other parties, and/or risking the possibility that we may schedule too few or too many witnesses for certain days. This is undesirable for the parties and for the Commission.

Therefore, rather than make date certain commitments that may turn out to be improvident, I will instead give you all the order in which the parties presenting testimony are currently expected to put up their cases. From this batting order, I hope the parties can collaborate and infer some reasonable estimates of when their witnesses will be expected to testify, and/or agree among yourselves what courtesies you wish to extend to each other with regard to witnesses who need to appear and testify out of order. If any parties want to swap places on my lineup card, we will accommodate. Just let me know what you have agreed upon. My tentative lineup follows:

1. Duke Energy
2. Wal Mart
3. Vote Solar
4. S.C. Solar Business Alliance
5. S.C. Energy Users
6. Hasala Dharmawardena
7. Sierra Club
8. NAACP/CCL/Upstate Forever
9. SCORS

Please advise if you have any questions about this. I believe this to be the fairest solution for all parties involved. This promises to be a long hearing, and I aim to have it flow as efficiently as possible. Thanks for cooperating with me and with each other.

Randall Dong

P.S. Opening Day is almost here!

From: Pittman, Jenny

Sent: Tuesday, March 5, 2019 4:50 PM

To: Dong, Randall <Randall.Dong@psc.sc.gov>

Cc: PSC_Legal Department <PSC_LegalDepartment@bcbad.state.sc.us>; PSC_Technical Advisory <psctechnicaladvisory@psc.sc.gov>; Hammonds, Lessie <lhammonds@ors.sc.gov>; Nelson, Jeff <jnelson@ors.sc.gov>; Hamm, Steven <shamm@ors.sc.gov>; Frank R. Ellerbe III <fellerbe@robinsongray.com>; Alex Shissias <alex@shissiaslawfirm.com>; bdurant@sowelldurant.com; charris@spilmanlaw.com; Derrick Williamson <dwilliamson@spilmanlaw.com>; Heather Smith <heather.smith@duke-energy.com>; john.burnett@duke-energy.com; molly.jagannathan@troutman.com; Richard Whitt <rlwhitt@austinrogerspa.com>; Bob Guild <bguild@mindspring.com>; Scott Elliott <selliott@elliottlaw.us>; Stephanie Eaton <sroberts@spilmanlaw.com>; sferguson@selcsc.org; thad@votesolar.org; Samuel Wellborn <swellborn@robinsongray.com>; bridget.lee@sierraclub.org; Toni Hawkins <thawkins@robinsongray.com>; camal.robinson@duke-energy.com; hasala@ieee.org

Subject: RE: Scheduling of Testimony and Other Logistical Issues in Docket No. 2018-319-E

Randall,

Just got off the phone with all of the parties that have filed testimony in this docket (Richard Whitt for SBA; John Burnett and Frank Ellerbe for Duke; Stinson Ferguson for NAACP, Upstate Forever, CCL; Thad Culley for Vote Solar; Carrie Grundmann for Walmart; Bridgett Lee for Sierra Club; Scott Elliott for SCEUC; and Hasala Dharmawardena)

All parties are in agreement that this hearing will go into the week of 3/25, with a general consensus that it will likely take 4 to 5 days – understanding of course that the length could vary due to cross examinations and Commissioner questions.

No party objects to ORS's request for a March 25th date certain for Witnesses David Parcell and Dan Wittliff. Several other parties have witnesses traveling from afar and would just ask for set dates as well. Those parties, if they haven't

already, will reach out to you regarding date certain for their respective witnesses. For scheduling purposes, ORS anticipates that Witnesses Parcell and Wittliff will each take about half of a day on the stand.

If it suits the Commission ORS would like to utilize panels for 6 of our witnesses, presenting them in pairs, while presenting Witnesses Parcell and Wittliff individually. No other party objected to our use of panels, and I believe the other parties with multiple witnesses would like to do the same.

One thing that would be helpful for planning purposes would be if you could let us know what order the intervenors will be presenting testimony.

Thank you for your assistance, please let us know if we can provide you with anything else!

Jenny R. Pittman, Esq.

S.C. Office of Regulatory Staff

1401 Main Street, Suite 900

Columbia, SC 29201

(803)737-0794

NOTE THE CHANGE IN EMAIL ADDRESS. PLEASE UPDATE YOUR RECORDS.

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential, proprietary, and/or privileged material. Any review, transmission, dissemination or other use of, or taking any action in reliance upon this information, by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers.

From: Dong, Randall

Sent: Monday, March 4, 2019 2:44 PM

To: Frank R. Ellerbe III <fellerbe@robinsongray.com>; Alex Shissias <alex@shissiaslawfirm.com>; Dover, Becky <BDover@scconsumer.gov>; bdurant@sowelldurant.com; Hammonds, Lessie <lhammonds@ors.sc.gov>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>; charris@spillmanlaw.com; Derrick Williamson <dwilliamson@spillmanlaw.com>; Heather Smith <heather.smith@duke-energy.com>; Nelson, Jeff

<jnelson@ors.sc.gov>; Pittman, Jenny <jpittman@ors.sc.gov>; john.burnett@duke-energy.com;
 molly.jagannathan@troutman.com; Richard Whitt <rlwhitt@austinrogerspa.com>; Bob Guild
 <bguild@mindspring.com>; Scott Elliott <sellott@elliottlaw.us>; Stephanie Eaton <sroberts@spilmanlaw.com>;
 Hamm, Steven <shamm@ors.sc.gov>; sferguson@selcsc.org; thad@votesolar.org; Samuel Wellborn
 <swellborn@robinsongray.com>; Toni Hawkins <thawkins@robinsongray.com>; camal.robinson@duke-energy.com
 Cc: PSC_Legal Department <PSC_LegalDepartment@bcbad.state.sc.us>; PSC_Technical Advisory
 <psctechnicaladvisory@psc.sc.gov>
Subject: Scheduling of Testimony and Other Logistical Issues in Docket No. 2018-319-E

Dear Counsel:

Since my communication with all of you earlier today inquiring about setting dates certain for some of the ORS witnesses to testify, I have received similar requests from other parties. I have consulted Jo Wheat for advice on how best to manage this hearing, which looks to be unusually long, and I want to do everything I can to ensure that we allocate time efficiently and enable the Commission to complete this hearing in the most orderly way possible in the fewest days possible. To that end, before finalizing dates certain for any witnesses, I would request that the parties let everyone know (while knowing that this may change as we get closer to the hearing) whether they plan to present witnesses in panels, how many panels they plan to present, and how long they anticipate that their testimony will take. I know there are some indeterminate variables affecting the time it may take for parties to present their cases, but your best guesses would be helpful. Do the parties believe that there is a possibility we could finish on Friday, March 22? If not, how long do you all believe the case will continue into the following week? Your assessments are important to our planning efforts. The more information you can provide to me, the more effectively we can plan how to proceed. Thanks very much for your help.

B. Randall Dong

Staff Counsel

Public Service Commission of South Carolina

Synergy Business Park, Saluda Building

101 Executive Center Drive, Suite 100

Columbia, South Carolina 29210-8412

(803) 896-5176